

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

22 CR 343 (JMF)

5 BOSS TERRELL,

6 Defendant.

Plea

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7
8 New York, N.Y.
9 January 26, 2024
10 10:15 a.m.

11 Before:

12 HON. SARAH NETBURN,

13 U.S. Magistrate Judge

14 APPEARANCES

15 DAMIAN WILLIAMS

16 United States Attorney for the
17 Southern District of New York

18 BY: THOMAS JOHN WRIGHT

Assistant United States Attorney

19 ANTHONY L. RICCO

20 Attorney for Defendant
21
22
23
24
25

1 (Case called)

2 MR. WRIGHT: Good morning, your Honor, for the
3 government, United States Attorney Thomas John Wright.

4 THE COURT: Good morning, Mr. Wright.

5 MR. RICCO: Good morning, your Honor, Anthony Ricco
6 for Mr. Terrell.

7 THE COURT: Good morning, Mr. Ricco and good morning,
8 Mr. Terrell.

9 THE DEFENDANT: Good morning, Judge.

10 THE COURT: Sir, I have before me a consent to proceed
11 before a United States Magistrate Judge on a felony plea
12 allocution that you have signed. What this form says is that
13 knowing you have the right to have this plea taken by a United
14 States District Judge, you are agreeing instead to have this
15 plea taken by me, a United States Magistrate Judge.

16 Is that correct?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Before you signed this form, did your
19 lawyer explain it to you?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: It is accepted.

22 Sir, you've been charged in a multicount indictment.
23 In particular, you have been charged in Count Two with
24 participating in a conspiracy to commit murder in aid of
25 racketeering, in violation of Title 18 of the United States

1 Code, Section 1959(a)(5), and in Count Five you have been
2 charged with attempted murder and assault with a dangerous
3 weapon in aid of racketeering, in violation of Title 18 of the
4 United States Code, Section 1959(a)(3), (a)(5), and 2.

5 I have been informed that you wish to change your plea
6 and enter a plea of guilty to these two counts, is that
7 correct, sir?

8 THE DEFENDANT: Yes, that is correct, your Honor.

9 THE COURT: Before deciding whether to accept your
10 guilty plea, I am going to ask you certain questions. It's
11 very important that you answer these questions honestly and
12 completely. The purpose of today's proceeding is to make sure
13 that you understand your rights, to decide whether you are
14 pleading guilty of your own free will, and to make sure that
15 you are pleading guilty because you are guilty and not for some
16 other reason.

17 Do you understand what I'm saying?

18 THE DEFENDANT: Yes, I understand, your Honor.

19 THE COURT: If at any point in time you don't
20 understand my questions or you want time to speak with your
21 lawyer, please say so because it's important that you
22 understand every question before you answer it.

23 Will you do that?

24 THE DEFENDANT: Yes, I will, your Honor.

25 THE COURT: Would you please swear in Ms. Terrell.

1 (Defendant sworn)

2 THE DEPUTY CLERK: Please state your name for the
3 record.

4 THE DEFENDANT: My name is Boss Shaheed Terrell.

5 THE COURT: Mr. Terrell, let me just remind you that
6 you are now under oath and if you answer any of my questions
7 false you can be charged with perjury.

8 Sir, how old are you?

9 THE DEFENDANT: I'm 23 years old as of today.

10 THE COURT: As of today you are 23?

11 THE DEFENDANT: Yes.

12 THE COURT: Is today your birthday?

13 THE DEFENDANT: No. My birthday just passed. I was
14 born October 6, 2000.

15 THE COURT: Are you a United States citizen?

16 THE DEFENDANT: Yes, I am, your Honor.

17 THE COURT: The reason that I ask whether you're a
18 United States citizen is because if you were found not to be a
19 United States citizen, your conviction could have serious
20 consequences for your ability to remain in the United States.
21 For example, if you were found not to be a citizen, you could
22 be removed from the United States and denied readmission to the
23 United States in the future, and you would not be able to
24 withdraw your guilty plea in light of those consequences.

25 Sir, how far did you go in school?

1 THE DEFENDANT: I actually made it to 12th grade, your
2 Honor.

3 THE COURT: You made it to 12th grade, but you didn't
4 finish?

5 THE DEFENDANT: No, I didn't finish 12th grade.

6 THE COURT: Do you have your GED?

7 THE DEFENDANT: No, your Honor.

8 THE COURT: Is that a goal of yours?

9 THE DEFENDANT: Yes. I'm actually in class right now
10 in MDC trying to produce my GED.

11 THE COURT: Terrific. How is it going?

12 THE DEFENDANT: It's going pretty well. I like the
13 classes there. They don't have enough like teachers really, so
14 sometimes we are locked down a lot, so I don't have enough time
15 to go to class or be taught, but it's going well.

16 THE COURT: I appreciate your perseverance. It's
17 important to get your GED, so you should stick with it.

18 THE DEFENDANT: Yes.

19 THE COURT: Can you read English?

20 THE DEFENDANT: Yes, I can read English.

21 THE COURT: Are you currently or have you recently
22 been under the care of a doctor or a psychiatrist for any
23 reason?

24 THE DEFENDANT: No, your Honor.

25 THE COURT: Have you taken any mind-altering drugs,

1 medicine, or pills in the last 24 hours?

2 THE DEFENDANT: No, your Honor.

3 THE COURT: What about alcohol? Have you had any
4 alcohol in the last 24 hours?

5 THE DEFENDANT: No.

6 THE COURT: Is your mind clear today?

7 THE DEFENDANT: Yes, my mind is actually very clear
8 today, your Honor.

9 THE COURT: Do you understand what's going on in these
10 proceedings?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: Does the government have any objection to
13 the defendant's competence to enter a guilty plea at this time?

14 MR. WRIGHT: No, your Honor.

15 THE COURT: Counsel, any objection?

16 MR. RICCO: No, your Honor, none whatsoever.

17 THE COURT: Thank you.

18 Sir, have you received a written version of the
19 charges against you in this case known as the indictment?

20 THE DEFENDANT: Yes, I have, your Honor.

21 THE COURT: And have you read it?

22 THE DEFENDANT: Yes, I have read it multiple times.

23 THE COURT: Do you understand what it says?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: You have the right to have me read the

1 indictment to you in open court, if you would like, but you can
2 also waive that right.

3 Do you want me to read it to you?

4 THE DEFENDANT: No, I don't need you to read the
5 indictment for me today, your Honor.

6 THE COURT: As we were just discussing, you recognize
7 that you are charged in Count Two with a felony offense of
8 participating in a conspiracy to commit murder in aid of
9 racketeering and in Count Five with the attempted murder and
10 assault with a dangerous weapon in aid of racketeering.

11 Do you understand?

12 THE DEFENDANT: Yes, I understand, your Honor.

13 THE COURT: Have you had time to talk to your lawyer
14 about these charges and about how you wish to plead?

15 THE DEFENDANT: Yes, we have had time to speak.

16 THE COURT: Has he told you the consequences of
17 pleading guilty?

18 THE DEFENDANT: Yes, I have been over the consequences
19 as well.

20 THE COURT: Are you satisfied with your attorney's
21 representation of you?

22 THE DEFENDANT: Yes, I am, your Honor.

23 THE COURT: Mr. Terrell, I am now going to tell you
24 certain constitutional rights that you have. These are rights
25 that you will be giving up if you enter a guilty plea.

1 Please listen carefully to what I'm about to say. If
2 you don't understand something, please stop me and your
3 attorney or I will explain the issue more fully. OK?

4 THE DEFENDANT: Yes, I understand.

5 THE COURT: Under the Constitution and the laws of the
6 United States, you have the right to plead not guilty to the
7 charges contained in this indictment.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: If you plead not guilty, you would be
11 entitled under the Constitution to a speedy and public trial by
12 a jury of those charges. At that trial you would be presumed
13 innocent and the government would be required to prove you
14 guilty beyond a reasonable doubt before you could be found
15 guilty. That means you would not have to prove that you were
16 innocent, and you would not be convicted unless a jury of 12
17 people agreed unanimously that you are guilty beyond a
18 reasonable doubt.

19 Do you understand that?

20 THE DEFENDANT: Yes, I understand, your Honor.

21 THE COURT: If you decided to go to trial, at that
22 trial, and at every stage of your case, you would have the
23 right to be represented by an attorney. If you could not
24 afford an attorney, one would be appointed to represent you at
25 the government's expense and at no cost to you. If you had

1 retained counsel and ran out of money, an attorney would be
2 appointed to continue to represent you. When an attorney is
3 appointed, that attorney is appointed to handle your case all
4 the way through to trial and not just for a guilty plea. So
5 your decision to plead guilty here today should not depend on
6 whether you can afford to hire an attorney.

7 Do you understand that?

8 THE DEFENDANT: Yes, I understand, your Honor.

9 THE COURT: During a trial, the witnesses for the
10 prosecution would have to come to court and testify in your
11 presence, where you could see and hear them and your lawyer
12 could cross-examine those witnesses and, if you wanted, your
13 lawyer could offer evidence on your behalf. You would be able
14 to use the Court's power to compel witnesses to come to court
15 and testify in your defense, even if they did not want to.

16 Do you understand that?

17 THE DEFENDANT: Yes, I understand.

18 THE COURT: At a trial, you would have the right to
19 testify in your own defense if you wanted to, but you would
20 also have the right not to testify. And if you chose not to
21 testify, that cannot be used against you in any way. No
22 inference or suggestion of guilt can be made from the fact that
23 you did not testify.

24 Do you understand that?

25 THE DEFENDANT: Yes, I understand, your Honor.

1 THE COURT: If you were convicted at trial, you would
2 have the right to appeal that verdict to a higher court.

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: And as I said before, you have the right
6 to plead not guilty. Even right now, even as you sit here
7 today for the purposes of entering a guilty plea, you have the
8 right to change your mind, persist in your not-guilty plea, and
9 proceed to trial.

10 But if you do plead guilty and I accept your plea, you
11 will give up a trial and all of the other rights that I have
12 just described. If you plead guilty, there will be no trial.
13 All that will remain to be done will be to impose a sentence.
14 You and the government will have a chance to make arguments
15 about what that sentence should be, but there will not be any
16 further trial to determine whether you are guilty or not guilty
17 of the charges to which you pled guilty.

18 Do you understand that?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Do you understand that the decision as to
21 the appropriate sentence in your case will be entirely up to
22 the sentencing judge and that that judge will be limited only
23 by what the law requires. This means that even if you were
24 surprised or disappointed by your sentence, you will still be
25 bound by your guilty plea.

1 Do you understand that?

2 THE DEFENDANT: Yes, I understand, your Honor.

3 THE COURT: Finally, if you do plead guilty, you are
4 also giving up your right not to incriminate yourself, and I
5 will ask you questions about what you did in order to satisfy
6 myself that you are actually guilty. By pleading guilty you
7 are admitting to your factual as well as your legal guilt.

8 Do you understand that?

9 THE DEFENDANT: Yes, I understand.

10 THE COURT: You said earlier that you have read the
11 indictment containing the two felony offense charges that we
12 have been discussing. If the case were to proceed to trial,
13 the government would be required to prove each of the elements
14 of those charges beyond a reasonable doubt.

15 So I am now going to ask the Assistant United States
16 Attorney to state the elements of Counts Two and Five.

17 MR. WRIGHT: Thank you very much, your Honor.

18 Your Honor, if this case proceeded to trial, then the
19 government would be prepared to prove beyond a reasonable doubt
20 each of the elements of Count Two and Count Five of the S1
21 indictment.

22 Count Two charging the defendant with participating in
23 a conspiracy to commit murder in aid of racketeering, in
24 violation of 18, United States Code, Section 1959(a)(5), has
25 five elements.

1 The first element is that an enterprise affecting
2 interstate commerce existed.

3 The second element is that the enterprise was engaged
4 in racketeering activity.

5 The third element is that the defendant had or was
6 seeking a position in the enterprise.

7 The fourth element is that the defendant committed the
8 alleged crime of violence, to wit, conspiracy to commit murder,
9 in violation of New York Penal Law, Sections 125.25 and 105.15,
10 in that there was an agreement to cause the death of another
11 person or to engage in conduct which created a grave risk of
12 death to another person. The defendant joined this agreement
13 and one coconspirator committed at least one act in furtherance
14 of the agreement.

15 The fifth element is that the defendant's general
16 purpose in committing the crime of violence was to maintain or
17 increase his position in the enterprise or in consideration for
18 the receipt of anything of value.

19 In addition, your Honor, it would be necessary both
20 with respect to Count Two and Count Five, and I'll not repeat
21 it for that reason, for the government to show that venue lies
22 in the Southern District of New York by a preponderance of the
23 evidence.

24 Your Honor, with respect to Count Five, which charges
25 the defendant with attempted murder and assault with a

1 dangerous weapon in aid of racketeering, in violation of 18
2 United States Code Sections 1959(a)(3), (a)(5), and Section 2,
3 there are also five elements.

4 The first element is that an enterprise affecting
5 interstate commerce existed.

6 The second element is that the enterprise was engaged
7 in racketeering activity.

8 The third element is that the defendant had or was
9 seeking a position in the enterprise.

10 The fourth element is that the defendant committed the
11 alleged crimes of violence, to wit, attempted murder in
12 violation of New York Penal Law, Sections 125.25, 110, and 20,
13 and assault with a dangerous weapon, in violation of New York
14 Penal Law, Sections 120.14 and 20, in that with an intent to
15 cause the death of another person, the defendant attempted to
16 cause the death of rival gang members and aided and abetted the
17 same, and the defendant intentionally placed another person in
18 reasonable fear of physical injury, serious physical injury or
19 death, by displaying a deadly weapon, dangerous instrument, or
20 what appears to be a firearm and, again, aided and abetted the
21 same.

22 The fifth element is that the defendant's general
23 purpose, again, in committing the crimes of violence was to
24 maintain or increase his position in the enterprise or in
25 consideration for the receipt of anything of value.

1 Thank you, your Honor.

2 THE COURT: Thank you.

3 Mr. Terrell, I am now going to tell you the
4 possibility maximum penalties for these crimes. The maximum
5 means the most that could possibly be imposed. It does not
6 necessarily mean this is what you will receive, but you have to
7 understand that by pleading guilty here today you are exposing
8 yourself to the possibility of receiving any combination of
9 punishments up to the maximum that I'm about to describe.

10 Do you understand that?

11 THE DEFENDANT: Yes, I understand, your Honor.

12 THE COURT: First, I am going to tell you about the
13 possible restrictions on your liberty.

14 With respect to Count Two, which charges participating
15 in a conspiracy to commit murder in aid of racketeering, that
16 count carries a maximum term of imprisonment of ten years and a
17 maximum term of supervised release of three years.

18 With respect to Count Five, which charges you with
19 attempted murder and assault with a dangerous weapon in aid of
20 racketeering, that count carries a maximum term of imprisonment
21 of 20 years and a maximum term of supervised release of three
22 years.

23 This means that the total maximum term of imprisonment
24 for Counts Two and Five is 30 years.

25 Let me advise you about supervised release.

1 Supervised release means that if you are sentenced to prison
2 and thereafter released from prison, you may be subject to
3 supervision by the probation department. You should understand
4 that if you are placed on supervised release and then you
5 violate any of the terms or conditions of that release, the
6 district judge that sentenced you can revoke your term of
7 supervised release and then return you to prison without giving
8 you any credit for the time that you served on postrelease
9 supervision.

10 Do you understand that?

11 THE DEFENDANT: Yes, I understand, your Honor.

12 THE COURT: Second, in addition to these restrictions
13 on your liberty, the maximum possible penalties also include
14 certain financial penalties. In this case the maximum
15 allowable fine for each of the two counts is the greater of
16 \$250,000 or twice what was made by the criminal activity or
17 twice what someone other than yourself lost because of the
18 criminal activity. In addition, there is a mandatory special
19 assessment of \$100 that must be imposed for each count of
20 conviction, so a total of \$200.

21 Sir, has anyone threatened you or coerced you in any
22 way to get you to plead guilty?

23 THE DEFENDANT: No, your Honor, no one has threatened
24 me or coerced me to get me to plead guilty today.

25 THE COURT: Has anyone promised you or offered you

1 anything other than the government, and solely by way of this
2 plea agreement, have they offered you anything to get you to
3 plead guilty?

4 THE DEFENDANT: No, your Honor, no one has offered me
5 to get me to plead guilty today.

6 THE COURT: As I just referenced, there is an
7 agreement between you and the government concerning this plea,
8 is that correct?

9 THE DEFENDANT: Yes, your Honor, there is a signed
10 agreement between me and the government for this plea
11 agreement.

12 THE COURT: Did you read the agreement?

13 THE DEFENDANT: Yes, I read the agreement several
14 times.

15 THE COURT: Did you have a chance to talk to your
16 lawyer about it?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: And did you read it and talk to your
19 lawyer before you signed it?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: I want to go over some of the important
22 terms of this agreement.

23 In this agreement you and the government have
24 stipulated to the appropriate calculation for your sentence
25 under the sentencing guidelines, and you have agreed that the

1 appropriate is guidelines range here is between 292 to 365
2 months' imprisonment.

3 MR. WRIGHT: Your Honor, excuse me. It is 365 months,
4 your Honor --

5 THE COURT: I'm getting there. I'm like literally in
6 the middle of the sentence.

7 MR. WRIGHT: Your Honor, forgive me.

8 THE COURT: As I was saying, the calculation for your
9 sentence would be between 292 months and 365 months of
10 imprisonment. However, because there is a statutory maximum
11 that would cap at 360 months' imprisonment, the parties have
12 stipulated to a guidelines range of between 292 months and 360
13 months' imprisonment.

14 Do you understand that?

15 THE DEFENDANT: Yes, I understand, your Honor.

16 THE COURT: Mr. Wright, is that correct?

17 MR. WRIGHT: It certainly is. Thank you very much,
18 your Honor.

19 THE COURT: In addition, you and the government have
20 agreed as to the appropriate fine range in this case, between
21 \$50,000 and \$500,000.

22 Do you understand that?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Both you and the government have agreed
25 that neither party will seek a departure or an adjustment

1 pursuant to the guidelines that's not otherwise set forth in
2 this agreement.

3 Do you understand that?

4 THE DEFENDANT: Yes, I understand, your Honor.

5 THE COURT: However, either party may seek a sentence
6 that is outside of the stipulated guidelines range based on the
7 factors that are set forth in our sentencing statute, which you
8 can find at Title 18 of the United States Code, Section
9 3553(a).

10 Do you understand that?

11 THE DEFENDANT: Yes, I understand, your Honor.

12 THE COURT: In this agreement you have agreed to make
13 restitution in an amount ordered by the Court.

14 Do you understand that?

15 THE DEFENDANT: Yes, I understand.

16 THE COURT: In addition, in this agreement you have
17 limited in certain respects your ability to appeal from your
18 conviction and sentence.

19 Do you understand that?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Specifically, you have agreed that you
22 will not file a direct appeal or bring a collateral challenge,
23 sometimes called a habeas motion, or seek a sentence
24 modification so long as your sentence is within or below the
25 stipulated guidelines range of 292 to 360 months' imprisonment.

1 Do you understand that?

2 THE DEFENDANT: Yes, I understand, your Honor.

3 THE COURT: In addition, you have agreed that you will
4 not appeal or bring a collateral challenge to any term of
5 supervised release that is less than or equal to the statutory
6 maximum of three years.

7 Do you understand that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: You've also agreed that you will not
10 appeal or bring a collateral challenge to any fine that is less
11 than or equal to \$500,000.

12 Do you understand that?

13 THE DEFENDANT: Yes, I understand, your Honor.

14 THE COURT: And the government has committed to moving
15 to dismiss any open counts at the time of your sentencing.

16 Do you understand that?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: And the government confirms that?

19 MR. WRIGHT: Yes, your Honor.

20 THE COURT: Sir, one of the most important things for
21 you to understand is that this agreement is not binding on the
22 sentencing judge, and that the sentencing judge can reject the
23 recommendations and calculations set forth in this agreement
24 without allowing you to withdraw your guilty plea.

25 Do you understand that?

1 THE DEFENDANT: Yes, I understand.

2 THE COURT: The sentencing judge is required to make
3 his own independent calculation under the sentencing guidelines
4 and impose a sentence based on what he believes is appropriate,
5 even if it is different than the one in this agreement.

6 Do you understand that?

7 THE DEFENDANT: Yes, I understand, your Honor.

8 THE COURT: In determining that sentence, the Court
9 will consider, in addition to the guidelines and any departures
10 from those guidelines, all of the factors that are set forth in
11 the sentencing statute, which I referenced a moment ago and
12 which you can find at Title 18 of the United States Code,
13 Section 3553(a).

14 Those factors include the nature and circumstances of
15 the offense and the history and characteristics of you, the
16 defendant, the need for the sentence imposed, the kinds of
17 sentences that are available, the sentencing range provided
18 under the guidelines, and the need to avoid sentencing
19 disparities, and the need to provide restitution to victims.

20 In addition, the Court will consider the presentence
21 report, which is prepared by the probation department in
22 advance of your sentencing.

23 Before you are sentenced, you and the government will
24 have an opportunity to challenge the facts that are reported by
25 the probation officer.

1 Do you understand all of that?

2 THE DEFENDANT: Yes, I understand everything, your
3 Honor.

4 THE COURT: Mr. Terrell, now that you have been
5 advised of the charges against you and the possible penalties
6 that you face and the rights that you are giving up, is it
7 still your intention to plead guilty to Counts Two and Five of
8 the superseding indictment?

9 THE DEFENDANT: Yes, your Honor, it's still my
10 intention to plead guilty to the Counts two and Five Of my
11 indictment.

12 THE COURT: With respect to Count Two, which charges
13 conspiracy to commit murder in aid of racketeering, how do you
14 plead?

15 THE DEFENDANT: I plead guilty.

16 THE COURT: With respect to Count Five, which charges
17 you with attempted murder and assault with a dangerous weapon
18 in aid of racketeering, how do you plead?

19 THE DEFENDANT: I plead guilty, your Honor.

20 THE COURT: Can you tell me in your own words what you
21 did to make you believe that you are guilty of these charges.

22 THE DEFENDANT: Actually, on the date of June 26,
23 2020, I did conspire to cause the murder of Tyrone Almodovar
24 with others, and, on the date of July 29, 2020, I did actually
25 try to assault or cause the attempted murder of a rival member,

1 a rival gang member, to be exact, your Honor.

2 THE COURT: Is it fair to assume that if you are
3 trying to assault a rival gang member that you yourself were in
4 a gang?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Did you engage in these acts in connection
7 with your membership with that gang?

8 THE DEFENDANT: I'm sorry. Can you repeat the
9 question, your Honor.

10 THE COURT: Did you engage in these acts or attempted
11 acts as a member of that gang?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: And did you do so for the purpose of
14 either maintaining your position in the gang or trying to rise
15 up through the ranks of the gang?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Mr. Wright, is that a sufficient
18 allocution, or do we need questions about the racketeering
19 activity?

20 MR. WRIGHT: Your Honor, if I can just take one
21 moment.

22 THE COURT: Sure.

23 MR. WRIGHT: Your Honor, as I discussed with counsel
24 for the defendant, with the leave of the Court or through the
25 Court, the government would respectfully propose just two

1 additional points of allocution.

2 The first, your Honor, has to do with Count Five of
3 the indictment. That is, your Honor, just to confirm with
4 Mr. Terrell that the firearm that he used to shoot at these
5 rival gang members was visible at the time that he used it to
6 shoot.

7 THE COURT: Visible to the naked eye?

8 MR. WRIGHT: Visible to those gang members that he was
9 shooting at.

10 THE COURT: I see.

11 Sir, in connection with Count Five, which you said, I
12 believe -- was that the incident that happened on July 29?

13 MR. RICCO: Yes, your Honor.

14 THE COURT: On that day, when you were using your
15 firearm, was it out in the open and visible to others?

16 THE DEFENDANT: Yes, your Honor. On the date of July
17 29, 2020, there is discovery evidence of me walking
18 approximately up the block with a firearm in my hand on video.

19 THE COURT: You can see the firearm in that video?

20 THE DEFENDANT: Yes, you can, your Honor.

21 MR. WRIGHT: Your Honor, second, as discussed with
22 counsel to Mr. Terrell, the government would propose that the
23 Court allocute Mr. Terrell whether as a member of Wash, the
24 gang that he was a member of and relevant to both Counts Two
25 and Five, he is a member of Wash and together with other

1 members of Wash transported stolen goods from outside of New
2 York into New York State.

3 THE COURT: Thank you.

4 Mr. Terrell, I want to confirm as part -- you were a
5 member of the Wash gang, is that correct?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: And as part of that membership were you
8 involved or were you aware that others were involved in
9 bringing stolen goods from outside of New York State into New
10 York State?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Any other questions, Mr. Wright?

13 MR. WRIGHT: Your Honor, I believe that it was stated
14 with respect to both counts, but just for the purposes of
15 venue, the government would proffer that both of these
16 incidents, the first involving the murder of Tyrone Almodovar
17 and, second, the shooting that Mr. Terrell discussed on July
18 29, 2020, both occurred in the Bronx, New York.

19 THE COURT: Thank you.

20 Mr. Terrell, can you confirm that?

21 THE DEFENDANT: Yes, your Honor. In fact, it did
22 happen in the Bronx.

23 THE COURT: Thank you.

24 Does the government represent that it has sufficient
25 evidence to prove the defendant guilty beyond a reasonable

1 doubt?

2 MR. WRIGHT: Yes, your Honor. If this case proceeded
3 to trial, the government would be prepared to prove the guilt
4 of the defendant, Mr. Terrell, through a combination of
5 evidence with respect to Count Two and Count Five of the
6 indictment.

7 That evidence, your Honor, would include the testimony
8 of law enforcement officers who were involved in the
9 surveillance, as well as the seizure from and arrest of members
10 of Wash, including the defendant, Mr. Terrell.

11 In addition, your Honor, there would be testimony from
12 members of the public, including individuals who were witnesses
13 to the two acts of violence that Mr. Terrell described on the
14 record today. There would also be, your Honor, evidence in the
15 form of social media postings, photographs and videos and texts
16 concerning Wash and its membership. And, finally, your Honor,
17 there would be testimony from multiple members of Wash
18 concerning their participation in certain of these acts, as
19 well as the nature of the gang, its membership, and the
20 duration of its activities.

21 THE COURT: Thank you.

22 Mr. Terrell, on the basis of your responses to my
23 questions and my observation of your demeanor, I find that you
24 are competent to enter a guilty plea. I'm satisfied that you
25 understand your rights, including your right to go to trial,

1 that you are aware of the consequences of your plea, including
2 the sentence that may be imposed, that you are voluntarily
3 pleading guilty, and that you have admitted that you are guilty
4 as charged in Counts Two and Five of the indictment.

5 For these reasons, I will recommend to District Judge
6 Furman that he accept your plea of guilty as to Counts Two and
7 Five of the indictment.

8 I'll direct the government to order a copy of the
9 transcript and submit it to Judge Furman so that he may act on
10 my recommendation.

11 Has he set a sentencing date?

12 MR. WRIGHT: He has, your Honor. May 15, 2024, at 3
13 p.m.

14 THE COURT: Thank you.

15 I will direct that the presentence report be prepared.

16 Can you deliver a case summary to probation within the
17 next 14 days.

18 MR. WRIGHT: Certainly, your Honor.

19 THE COURT: Thank you.

20 Can you and your client be available to be interviewed
21 in the next 14 days.

22 MR. RICCO: Yes, your Honor, we will.

23 THE COURT: Anything further from the government?

24 MR. WRIGHT: No. Thank you very much, your Honor.

25 THE COURT: Anything further from the defense?

1 MR. RICCO: No, your Honor. Thank you very much.

2 THE COURT: Thank you, everybody. We are adjourned.

3 (Adjourned)

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